

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

**KATIE D. SCOTT and
LINDA ATTKISSON FOSTER,**

Plaintiffs.

v.

**MIDLAND NATIONAL LIFE
INSURANCE COMPANY,**

Defendant.

**MIDLAND NATIONAL LIFE
INSURANCE COMPANY,**

Counterplaintiff,

v.

**KATIE D. SCOTT and
LINDA ATTKISSON FOSTER,**

Counterdefendants.

No. 1:11-cv-00076

**Judge Aleta Trauger
Magistrate Judge John S. Bryant**

AGREED MOTION FOR THE ENTRY OF A FINAL DECREE OF INTERPLEADER

Midland National Life Insurance Company (“Midland National”), the defendant and counterplaintiff herein, for its Agreed Motion for the Entry of a Final Decree of Interpleader, states as follows:

1. As affirmatively appears from this Court’s file and docket, Midland National has filed a Counterclaim for Interpleader Relief against Katie D. Scott (“Katie”) and Linda Attkisson Foster (“Linda”) to resolve their adverse claims to life insurance benefits due and payable under Policy No. 1502893597 (“Policy”) insuring George M. Foster (“Insured”).

2. As appears from the admissions, pleadings and exhibits on file herein, Midland National unconditionally admitted liability for the life insurance proceeds under the Policy and

on account of the death of the Insured; Midland National was unable to safely pay the proceeds without exposing itself to multiple liability or multiple litigation or both since Katie and Linda are considered persons of interest, if not suspects, in the police investigation of the murder of the Insured; and Midland National is entitled to this Court's protection by entry of a final decree of interpleader.

3. Midland National is prepared to deposit its full and total liability for insurance benefits, including interest, on account of the death of the Insured, in the total amount of \$250,000 plus all applicable accrued interest, to the Clerk of this Court.

4. Midland National tenders with this motion a proposed Final Decree of Interpleader which, upon entry by this Honorable Court, would terminate Midland National's participation in this lawsuit, in which Midland National has no interest other than to discharge its admitted liability under the Policy.

5. Counsel for the plaintiffs agree to the entry of this proposed Final Decree of Interpleader.

Respectfully submitted,

/s/ Katharine R. Cloud

Katharine R. Cloud

Stuart A. Burkhalter

Riley Warnock & Jacobson, PLC

1906 West End Avenue

Nashville, TN 37203

Tel: (615) 320-3700

kcloud@rwjplc.com

sburkhalter@rwjplc.com

and

Joseph J. Hasman (admitted *pro hac vice*)
Morgan J. Milner (admitted *pro hac vice*)
Chittenden, Murday & Novotny LLC
303 W. Madison Street, Suite 1400
Chicago, IL 60606
Tel: (312) 281-3600
jhasman@cmn-law.com
mmilner@cmn-law.com

*Attorneys for Midland National Life Insurance
Company*

CERTIFICATE OF SERVICE

I certify that on the 1st day of December, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorney(s):

Jerry C. Colley, Esq.
P.O. Box 1476
Columbia, TN 38402-1476

Larry Sands, Esq.
P.O. Box 1660
Columbia, TN 38402-1660

s/ Katharine R. Cloud